



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

DEC - 5 2012

REPLY TO THE ATTENTION OF:

L-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Christopher D. Harvey, PE
TRC
230 W. Monroe Street, Suite 2370
Chicago, Illinois 60606

RE: Hayton Area Remediation Project (HARP)
Operable Unit 3 (OU-3) - Reaches N, O and P

Dear Mr. Harvey:

The U.S. Environmental Protection Agency hereby grants approval to TRC to remove and dispose of Toxic Substances Control Act (TSCA) level PCB contaminated soil and sediment from Reaches N, O and P in the Hayton Area Remediation Project (HARP) Operable Unit 3 (OU-3) remedial area in New Holstein, Wisconsin. This approval is based on our review of the following information you submitted to EPA and the Wisconsin Department of Natural Resources (WDNR):

- October 11, 2011 Characterization Sample Results; Operable Unit 3; Reaches N, O and P; Hayton Area Remedial Project
- November 18, 2011 Proposed Overbank Removal Boundaries and Sample Results: Operable Unit 3; Reaches N, O and P; Hayton Area Remedial Project
- January 18, 2012 Revised Overbank Removal Boundaries and Updated Sample Results; Reaches N, O and P; Hayton Area Remediation Project

This approval is granted under TSCA and in accordance with the Federal PCB regulations codified at 40 C.F.R. § 761.61(c), Risk-Based Disposal Approval. Under a risk-based disposal approval, the EPA may approve a method to sample, cleanup or dispose of PCB remediation waste if it is found that the method will not pose an unreasonable risk of injury to human health or the environment.

This approval is effective as of the date of this letter and allows TRC to excavate and dispose of PCB contaminated material from the channel bed, stream bank and overbank areas in Reaches N, O and P. At a minimum, remediation of PCB contaminated material from the Reaches N, O and P must be in accordance with the removal areas depicted in the Sample Results and Excavation Boundaries drawings (Figures 1- 3) included with the January 18, 2012 document. All sampling, cleanup and disposal activities must be carried out in accordance with the work plan and the approval conditions that are enclosed with this letter.

TRC is responsible for ensuring continued compliance with all applicable provisions of TSCA, the federal PCB regulations and the conditions of this approval. Any departure from the conditions of this approval must receive prior written authorization from this office. Further, this approval does not relieve TRC from compliance with any other federal, state or local regulatory requirements, and does not preclude EPA from initiating any enforcement action, including an action seeking civil penalties, for any violation.

If you have any questions regarding this approval, please do not hesitate to call Jean Greensley, of my staff, at (312) 353-1171.

Sincerely,

A handwritten signature in black ink, appearing to read 'Margaret M. Guerriero', written in a cursive style.

Margaret M. Guerriero
Director
Land and Chemicals Division

Enclosure

cc: Stacy McAnulty, TRC
Paymon Danesh, TRC
Bill Fitzpatrick, Wisconsin Department of Natural Resources
Lacey Cochart, Wisconsin Department of Natural Resources

CONDITIONS OF APPROVAL
40 CFR §761.61(c)

for

Hayton Area Remediation Project (HARP)
HARP Source Abatement
Operable Unit 3 (OU-3) – Reaches N, O, P

Scope of Work

1. At a minimum, the remedial area is defined as the channel bed, stream bank and overbank areas in Reaches N, O and P of Operable Unit 3 (OU-3) identified in the Sample Results and Excavation Boundaries drawings (Figures 1 - 3) in TRC's January 18, 2012 Revised Overbank Removal Boundaries and Updated Sample Results document.
2. TRC must perform additional characterization in the following polygons and Toxic Substances Control Act (TSCA) and non-TSCA areas:
 - a. the boot shaped area between N204 and N207
 - b. 9PR near Station 341+00+N10
3. In addition to the Post-Remedial Verification (PRV) locations identified in the Sample Results and Excavation Boundaries drawings (Figures 1 - 3) in TRC's January 18, 2012 Revised Overbank Removal Boundaries and Updated Sample Results document, the following PRVs are needed to help substantiate the adequacy of removal:
 - a. N105 - a floor PRV near upstream dotted line
 - b. N108 - a floor PRV
 - c. N110 - a floor PRV on boundary with N109
 - d. N111 - a floor PRV at junction between N111, N101, N103
 - e. N208 - a 12-18 inch floor PRV near Station 312+20 and a 6-12 inch sidewall PRV at the upstream boundary with N204
 - f. N209 - a 6-12 inch floor PRV in the northern portion of this polygon
 - g. O101 - a 6-12 inch floor PRV
 - h. O102 - a floor PRV in the downstream portion of this polygon near the boundary between O102 and O103

- i. O105 – move proposed PRV sample RO PRVF 032L 6-12” 5 feet north to confirm boundary of O105 with O103
 - j. O201 – a 6-12 inch floor PRV near RO 501R 0-6”
 - k. O202 - a 6-12 inch floor PRV on the dotted line boundary
 - l. O204 - a 6-12 inch floor PRV
 - m. P202 - a 6-12 inch floor PRV at the downstream end of the polygon
4. The concentration of Polychlorinated Biphenyl (PCB) remaining after the removal of the PCB-contaminated in-channel deposits must not exceed one part per million (ppm).
 5. The PCB concentration remaining after the removal of the PCB-contaminated overbank material must not exceed five ppm.
 6. For any area that is submerged seasonally, as a result of the removal, the newly exposed surface must have a PCB concentration of one ppm or less. Seasonally submerged is defined as a surface six inches above the toe of the bank.
 7. All removal activities in OU-3 are subject to on-site inspection, review and approval by EPA and/or WDNR.
 8. EPA and WDNR reserve the right to require additional sampling in Reaches N, O and P and to change or extend the dimensions of the removal zones identified in the Sample Results and Excavation Boundaries drawings (Figures 1 - 3) in TRC's January 18, 2012 Revised Overbank Removal Boundaries and Updated Sample Results document.

Site Preparation

9. TRC must obtain the necessary access agreements to conduct the remediation and restoration activities in Reaches N, O and P. These agreements must include approval from the landowners for reasonable access to the site by WDNR and EPA for observing and inspecting all aspects of the remedial project.
10. Clearing and grubbing of the trees and bushes that are intended for composting must only include the above ground portion of the trees and bushes. The stumps and root systems within areas containing PCB deposits, as well as any topsoil removed during the clearing and grubbing process, must be disposed of in the same manner as the surrounding excavated material.
11. Berms or dams used to isolate and dewater an in-channel work area must be of sufficient strength to withstand damage from up to and including a 10-year, 24-hour design storm.

12. Impounded water remaining in the bermed work area must be sampled and analyzed for PCBs and pumped through a filter prior to diversion downstream of the removal zone. Diversion of water containing more than 0.5 µg/l (>0.5 ppb) PCBs must be approved by the WDNR.
13. Discharge of diversion water must be managed through the use of appropriate best management practices to protect the area and any downslope or downstream location from erosion or scour. There may not be an increase in turbidity of more than 25 nephelometric turbidity units (NTUs) from upstream of the pump intake to downstream from where the diversion discharge is returned to the stream.
14. Water removed from an isolated in-channel work area shall be discharged in accordance with a Wisconsin Pollutant Discharge Elimination System (WPDES) permit for that activity. The discharge shall not cause scour of PCB contaminated deposits either in-channel or on the floodplain. The discharge shall be sampled and analyzed per the WPDES permit. TRC shall report analytical results to WDNR within 24 hours of release of the information from the laboratory or from the time that field information is obtained.

Removal

15. TRC must excavate and remove the PCB contaminated material in accordance with the TSCA and non-TSCA boundaries identified in the Sample Results and Excavation Boundaries drawings (Figures 1 - 3) in TRC's January 18, 2012 Revised Overbank Removal Boundaries and Updated Sample Results document and as modified under Condition 8.
16. If the additional site characterization required in Conditions 2 of this approval identifies other PCB contaminated material, TRC must remove and dispose of this material.
17. TRC may use the parent clay or a coarse gravel bed to define the depth of sediment removal in Reaches N, O and P.
18. Post removal verification (PRV) samples must be taken at the locations identified in the Sample Results and Excavation Boundaries drawings (Figures 1 - 3) in TRC's January 18, 2012 Revised Overbank Removal Boundaries and Updated Sample Results document and in accordance with Condition 3.
19. If the PRV sample result does not meet 1 ppm in the channel or 5 ppm in stream bank or overbank, additional removal is required followed by collection of another PRV.
20. All PRV sample results must be reported to WDNR and EPA within 48 hours of receipt of the results from the certified laboratory.
21. In the event of the threat of thunderstorms or heavy rains, no new in-channel work area may be opened, unless both the upstream and downstream berms and check dams are fully in place and functional.

Disposal

22. The PCB remediation waste placed in the TSCA and non-TSCA staging areas must be covered at the end of the day in order to control dispersal of the material by wind and minimize contact with precipitation.
23. The TSCA transfer pad must have a run-on control system designed, constructed, operated and maintained to prevent flow onto the stored waste during a 25-year storm event and to collect and control the water volume resulting from such a storm [40 CFR 761.65(c)(9)].
24. Free liquids from dewatering of the 50 ppm and over PCB waste at the staging area or the TSCA transfer pad that contains more than 0.5 ug/l (> 0.5 ppb) PCBs, may be solidified and disposed of at the intended disposal site.
25. Transfer pads, upon decommissioning, must be sampled and analyzed for PCB content and disposed of as TSCA waste if the PCB concentration is 50 ppm or greater. If the PCB concentration of the transfer pad is greater than 1 ppm but less than 50 ppm, it may be disposed of at a WDNR-permitted solid waste disposal facility provided the facility's permit allows it to receive PCB remediation waste.
26. Remediation waste containing 50 ppm or greater PCBs may be disposed of at a TSCA-permitted disposal facility or a hazardous waste landfill permitted by EPA under section 3004 of the Resource Conservation Recovery Act (RCRA) provided the facility's permit allows it to receive PCB remediation waste.
27. If TRC intends to dispose of the waste containing 50 ppm or greater PCBs in a RCRA-permitted hazardous waste facility, you must provide a notice to the facility 15 days before the first shipment of PCB remediation waste from the cleanup site. The notice must include the following information:
 - a. The quantity of material to be shipped
 - b. The highest PCB concentration of the material to be shipped
28. Remediation waste containing less than 50 ppm PCBs may be disposed of at a WDNR-permitted solid waste disposal facility provided the facility's permit allows it to receive PCB remediation waste.

Post-Remediation

29. TRC must collect and analyze samples at access roads and, if required by WDNR and/or EPA, collect and analyze additional post-remediation samples in Reach N, O and P. TRC must submit the results of these samples and a map depicting the location of these samples to EPA and WDNR.

30. TRC's project engineer must certify to EPA and WDNR that remediation of Reaches N, O and P has been completed pursuant to the work plan and these conditions, or, if there has been any deviation from the work plan or these conditions, EPA has approved those changes in writing.
31. Within 90 days of completing removal of PCB contaminated sediment and soil in Reaches N, O and P, TRC must develop and submit to EPA and WDNR a sampling plan to characterize the post-remedial occurrence of soft sediment and the PCB concentration of the soft sediment in OU-3.

Notification

32. EPA must receive copies of the weekly progress reports TRC submits to WDNR. These progress reports should include the number of acres remediated, the number of river miles remediated and the amount of PCB material remediated in cubic yards.
33. EPA must receive a copy of any 15-day notice TRC provides to a RCRA-permitted hazardous waste facility.